IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)
WRIT PETITION NO. 1769 /2004

PETITIONER: : Smt. Shanti Bai, Widow of Kedardas aged about 64 years R/o. Vill.Dhobni Thehsil. Bilaigarh, Dist. Mahasamund(C.G.).

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through the Secretary, Department of Revenue, D.K.S. Building, Raipur (C.G.)
2. The Collector, Mahasamund, Dist. Mahasamund. (C.G.)
3. The Nayab Tahsildar, Teh. Bilaigarh Dist. Mahasamund (C.G.)
4. Smt. Karmat Bai, W/o. Samaru Ram, aged about 46 years, Occupation – Kotwar at village-Dhobni, Teh. Bilaigarh, Dist. Mahasamund .At present residence of Vill. Sajapali, P.S. Basna, Dist. Mahasamund (C.G.)

P. R. No. Presented by Shri Vijendra Grandhare dated 16/6/04

RECEIVED COPY 16-6- Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(63)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 1769/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.7.2004 Petitioner by Shri F. S. Khare, Advocate. Respondents No. 1 to 3 by Shri Anand Kumar Tiwari, Panel Lawyer. Heard. The petitioner has preferred this petition under Article 226/227 of the Constitution of India challenging the revenue entries Annexure P/16 and P/17 made by the Naib Tehsildar in favour of the Respondent No.4 (Smt. Karmat Bai). It is mentioned in the petition that the Respondent No.3 allotted a peace of land admeasuring 8.20 acres to the Respondent No.4 as 'Seva Bhoomi' because she has been appointed as Kotwar. The case of the petitioner is that father of the petitioner namely Charandas was appointed as Kotwar by the Ex Malgujar and proprietor before abolition of the proprietary rights Act 1950 and 8.20 acres land was given to him by the then Malgujar. As per the provisions of this Act Charandas became 'Bhoomi Swami' of the said land. After death of Charandas his wife namely Janki Bai (mother of the petitioner) was appointed as Kotwar. Therefore the Respondent No.3 was not entitled to allot said land to the Respondent No.4 and make entries in the revenue records about the said land as 'Seva Bhoomi'. Further case of the petitioner is that in view of the provisions of Sections 168, 169 read with section 185 of the Land Revenue Code, 1959 the petitioner has acquired rights of occupancy tenant and by the operation of law she has become Bhumi Swami of the aforesaid	

(64)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 1769/2004

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

land given to her father by the then Malgujar and proprietor. The petitioner was in possession of the said land from her father's time. On the basis of the false information the Respondent No.4 obtained the land.

It has not been mentioned in the entire petition that the petitioner had ever moved before the competent authority for conferring right of Bhoomi Swami on her. Therefore, in the first instance the petitioner should move before the competent authority for conferring right of Bhoomi Swami over the land in dispute in accordance with law and thereafter, if required, to pursue the remedy which may be available to her under the law.

In view of the above, this petition is disposed of finally with liberty to the petitioner to approach to the competent authority in accordance with law.

In view of the above order I.A. No. 4162/2004 stands disposed of.

Sd/-
L.C. Bhadoo
Judge